



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://ceo.lacounty.gov>

February 19, 2008

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS: AGREEMENT WITH
WATERSHED CONSERVATION AUTHORITY TO FUND
CONSULTANT TO DEVELOP STAKEHOLDER INPUT
PROCESS TO THE WHITTIER NARROWS DAM
MASTER PLAN UPDATE
(SUPERVISORIAL DISTRICT 1)
(3 VOTES)**

**IT IS RECOMMENDED THAT YOUR BOARD ACTING AS THE GOVERNING BODY
OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:**

1. Authorize payment of \$50,000 from the Los Angeles County Flood Control District's Fiscal Year 2007-08 Budget to the Watershed Conservation Authority, a Joint Powers Authority between the Los Angeles County Flood Control District and the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, to fund a portion of the development of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update.
2. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to enter into an agreement with the Watershed Conservation Authority to provide funds for consultant services in the development of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update.
3. Authorize the Chief Engineer of the Los Angeles County Flood Control District or his designee to implement the fund transfer.

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

4. Find that this action is a planning activity and not considered a project under the California Environmental Quality Act.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is for the Los Angeles County Flood Control District (LACFCD) to enter into an agreement (attached) with the Watershed Conservation Authority (WCA) to pay \$50,000 in cash to fund its portion of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update. The LACFCD is a member of the WCA, which is an existing Joint Powers Authority with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC), which provides for the LACFCD to fund and perform projects of mutual interest and benefit.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs that we provide Organizational Effectiveness (Goal 3) by utilizing collaborative efforts to produce the Stakeholder Input to the Whittier Narrows Dam Master Plan Update, Fiscal Responsibility (Goal 4) by cost sharing with other agencies, and Community Services (Goal 6) by planning recreational facilities and aesthetic enhancements for the public.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund.

The estimated cost for the development of the Stakeholder Input to the Whittier Narrows Dam Recreation Area Master Plan Update is approximately \$500,000. This cost will be shared by the RMC, the City of Pico Rivera, the County of Los Angeles, and the LACFCD. The WCA's governing board has adopted a resolution (Exhibit A) accepting a grant of \$300,000 from the RMC, the City Council of Pico Rivera has also adopted a resolution (Exhibit B) agreeing to fund \$100,000, the County of Los Angeles will fund \$50,000 from the Strategic Unincorporated Fund of Supervisorial District 1, and the LACFCD will fund the remaining \$50,000 from its Fiscal Year 2007-08 Budget.

The funding partners will pay their shares in cash to the WCA who in turn will execute a consultant agreement for the preparation of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Whittier Narrows Dam is located between the Rio Hondo, a tributary of the Los Angeles River, and San Gabriel River and is bordered to the north by the City of South El Monte, to the southeast by the City of Pico Rivera, and to the southwest by the City of Montebello. The Whittier Narrows Dam is owned by the U.S. Army Corps of Engineers (Corps) and is leased to the County of Los Angeles Department of Parks and Recreation and City for various recreational uses. It is also the site of several proposed projects included in the San Gabriel River Corridor Master Plan, adopted by your Board on June 13, 2006, and is immediately upstream of several of the LACFCD's water conservation spreading grounds.

In September 1996, the Corps completed a Master Plan and Environmental Assessment of the Whittier Narrows Dam. Since then the master plan has remained unchanged.

The purpose of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update is to provide a current guide for the use and development of the resources within the Whittier Narrows Dam. In preparing the Stakeholder Input to the Whittier Narrows Dam Master Plan Update, opportunities for recreation, habitat restoration, water conservation, and water quality will be balanced with the requirement for flood control and protection of the environment in developing the best possible use of the land. In addition to the participation of the funding partners and the various agencies with an interest in the Whittier Narrows Dam, the Stakeholder Input to the master plan update development process will also include extensive community outreach. The surrounding communities will be invited to participate in the planning and visioning process and will help identify the recreational needs of the community. The completed Stakeholder Input to the Whittier Narrows Dam Master Plan Update will be incorporated by the Corps into its official Whittier Narrows Dam Master Plan Update.

The funds paid to the WCA will supplement their approved current fiscal year budget. The funding is consistent with the governing by-laws and procedures of the WCA.

ENVIRONMENTAL DOCUMENTATION

In accordance with Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines, approval of the recommended action does not constitute a project and, hence, is not subject to the requirements of CEQA. Therefore, a finding of environmental impact is not required.

The Honorable Board of Supervisors
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

The Stakeholder Input to the Whittier Narrows Dam Master Plan Update will provide the LACFCD with a current evaluation of the facility and identify conjunctive flood control, water conservation, water quality, and recreational opportunities along the San Gabriel River and Rio Hondo. There will be no impact on current County services or projects during the performance of the recommended services.

CONCLUSION

Please return three adopted copies of this letter to the Department of Public Works, Watershed Management Division.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:DLW
MP:sv

Attachment

- c: County Counsel
 - Department of Parks and Recreation (Norma Garcia, Larry Hensley)
 - Department of Public Works (Budget/Fund Management, Fiscal, Flood Maintenance, Programs Development, Water Resources)

AGREEMENT

THIS AGREEMENT, made and entered into as of the date of the last PARTY signature set forth below by and between the Los Angeles County Flood Control District, a body corporate and politic (hereinafter referred to collectively as LACFCD); and the Watershed Conservation Authority, a joint powers authority (hereinafter referred to as WCA); (individually PARTY and all entities collectively, PARTIES).

WITNESSETH

WHEREAS, the PARTIES wish to enter into an agreement for the development of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update; and

WHEREAS, the WCA has agreed to advertise, award and administer the consultant contract for preparation of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update; and

WHEREAS, the PARTIES have agreed to work collaboratively with the consultant, the local community, and other funding parties to develop a comprehensive Stakeholder Input to the Whittier Narrows Dam Master Plan Update for the Whittier Narrows Dam and Recreation Area.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the PARTIES, and of the promises herein contained, it is hereby agreed as follows:

(1) LACFCD AGREES:

- a. To deposit \$50,000 with the WCA once all other funding partners have committed their funds to the WCA, as described in Exhibit I.

(2) WCA AGREES:

- a. To utilize the aforementioned \$50,000 only for the Stakeholder Input to the Whittier Narrows Dam Master Plan Update Project.
- b. To administer a consultant contract for the preparation of the Stakeholder Input to the Whittier Narrows Dam Area Master Plan Update in accordance with the requirements set forth by the U.S. Army Corp of Engineers.
- c. To return any unused portion of the aforementioned \$50,000 to LACFCD if the project is canceled or otherwise does not proceed within the current 2007-08 fiscal year.

(3) PARTIES FURTHER AGREE:

- a. The purpose of this agreement is to cooperatively fund the cost of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update.
- b. The PARTIES shall cooperate fully with one another to attain the purposes of this agreement.
- c. This agreement is voluntarily entered into for the preparation of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update.
- d. The PARTIES hereby agree to share the costs of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update as described in Exhibit I. The initially estimated total cost of the Stakeholder Input to the Whittier Narrows Dam Master Plan Update work shall not exceed Five-Hundred Thousand and 00/100 Dollars (\$500,000.00) except with the expressed written consent of all PARTIES to amend this agreement to increase the total authorized cost.
- e. In light of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities solely by reason of such entities being parties to an agreement (as defined in Section 895 of said Code), each of the PARTIES hereto, pursuant to the authorization contained in Section 895.4 and 895.6 of said Code, shall assume the full liability imposed upon it or any of its officers, agents, or employees, by law for injury caused by any act or omission occurring in the performance of this agreement to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above stated purpose, each PARTY indemnifies, defends, and holds harmless each other PARTY for any liability, cost, or expense that may be imposed upon such other PARTY solely by virtue of said Section 895.2. The provisions of Section 2778 of the California Civil Code are made a part hereof as if incorporated herein.
- f. The PARTIES are, and shall at all times remain as to each other, wholly independent entities. No PARTY to this agreement shall have power to incur any debt, obligation, or liability on behalf of any other PARTY, unless expressly provided to the contrary by this agreement. No employee, agent, or officer of a PARTY shall be deemed for any purpose whatsoever to be an agent, employee, or officer of another PARTY.
- g. This agreement may be amended in writing with the signature of all PARTIES in the manner originally executed.

- h. Any notices, bills, invoices, or reports relating to this agreement, and any request, demand, statement, or other communication required or permitted hereunder shall be in writing and shall be delivered to the representatives of the PARTIES at the addresses set forth in Exhibit II attached hereto and incorporated herein by reference, except that any PARTY may change name or address by giving the other PARTIES ten (10) days written notice of the new name or address.
- i. This agreement shall be binding upon, and shall inure to the benefit of the respective successors, heirs, and assigns of each PARTY.
- j. This agreement is governed by, interpreted under, and construed and enforced in accordance with the laws of the State of California
- k. If any provision of this agreement shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this agreement shall not be affected, and this agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this agreement.
- l. This agreement may be executed simultaneously in counterpart, each of which shall be deemed an original, but together, shall constitute but one and the same instrument.
- m. All PARTIES have been represented by counsel in the preparation and negotiation of this agreement. Accordingly, this agreement shall be construed according to its fair language, and any ambiguities shall not be resolved against the draft PARTY.
- n. Each of the persons signing below on behalf of a PARTY or PARTIES represents and warrants that he or she is authorized to sign this agreement on behalf of such PARTY.

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IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed on their behalf, respectively, as follows:

COUNTY OF LOS ANGELES AND
LOS ANGELES COUNTY
FLOOD CONTROL DISTRICT

By _____
Director, County of Los Angeles
Department of Public Works,
acting on behalf of the Los Angeles
County Flood Control District

ATTEST:

SACHI A. HAMAI
Executive Officer of the
Board of Supervisors of the
County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

RAYMOND G. FORTNER, JR.
County Counsel

By _____
Deputy

WATERSHED CONSERVATION AUTHORITY (WCA)

Dated _____

By _____
Charles W. Bookhammer
Acting Chair

APPROVED AS TO FORM:

Terry Fujimoto
Deputy Attorney General

EXHIBIT I

Stakeholder Input to the Whittier Narrows Dam Master Plan Update Agreed Funding Contributions

Agency	Agreed Contribution
San Gabriel & Lower Los Angeles Rivers and Mountains Conservancy (RMC)	\$300,000.00
Los Angeles County Flood Control District (LACFCD)	\$50,000.00
Supervisory District 1	\$50,000.00
City of Pico Rivera	\$100,000.00
Totals	\$500,000.00

EXHIBIT II

Stakeholder Input to the Whittier Narrows Dam Master Plan Update Responsible Agencies Representatives

Lead Agency:

1. Watershed Conservation Authority
San Gabriel & Lower Los Angeles
Rivers and Mountains Conservancy
"El Encanto"
100 North Old San Gabriel Canyon Road
Azusa, CA 91702

Party Representative: Alina Bokde

E-mail: abokde@rmc.ca.gov <mailto:abokde@rmc.ca.gov>

Phone No.: (626) 815-1019 Extension 101

Fax No.: (626) 815-1269

Additional Responsible Agencies:

2. Los Angeles County Flood Control District
900 South Fremont Avenue
Alhambra, CA 91803

Party Representative: Lani Alfonso

E-mail: lalfonso@dpw.lacounty.gov <mailto:lalfonso@dpw.lacounty.gov>

Phone No.: (626) 458-7165

Fax No.: (626) 457-1526

EXHIBIT A

September 26, 2007 - Item 8G

RESOLUTION NO. 2007-26

RESOLUTION OF THE WATERSHED CONSERVATION AUTHORITY (WCA) AUTHORIZING THE NECESSARY AGREEMENTS WITH THE US ARMY CORPS OF ENGINEERS AND OTHER FUNDING PARTNERS TO UPDATE OF THE WHITTIER NARROWS DAM RECREATION AREA MASTER PLAN AND OTHER RELATED ACTIONS AND FURTHER ACCEPTING A GRANT FROM THE RIVERS AND MOUNTAINS CONSERVANCY FOR THE UPDATE (WCA32022).

WHEREAS, the Watershed Conservation Authority has been established to facilitate joint projects between the Rivers and Mountains Conservancy and Los Angeles County Flood Control District; and

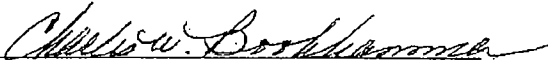
WHEREAS, the Watershed Conservation Authority (WCA) has been established to focus on projects which will provide open space, habitat restoration, and watershed improvement projects in both the San Gabriel and Lower Los Angeles Rivers watershed; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA). CCR, tit. 14, sections 15301 (a) (d) (n), 15061 (b) (3), 15313, 15325; NOW

Therefore be it resolved, that the WCA hereby:

1. FINDS that this action is consistent with the purposes and objectives of the WCA.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act: CCR, tit 14, sections 15301 (a) (d) (n), 15061 (b) (3), 15313, and 15325.
3. ADOPTS the staff report dated September 26, 2007.
4. APPROVES entering into any necessary agreements with the US Army Corps of Engineers and other funding partners, as necessary to update the Whittier Narrows Dam Recreation Area Master Plan.
5. ACCEPTS a grant from the Rivers and Mountains Conservancy for the Whittier Narrows Dam Recreation Area Master Plan and other related documents of \$300,000.
6. APPROVES issuing a Request for Proposals for consultant in order to complete the Master Plan update.

Passed and Adopted by the Board of the
WATERSHED CONSERVATION AUTHORITY on September 26, 2007.


Charles W. Bookhammer, Acting Chair

ATTEST:

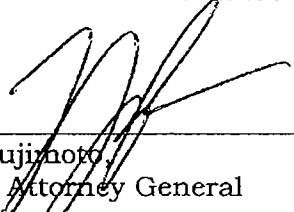

Terry Fujimoto
Deputy Attorney General

EXHIBIT B

RESOLUTION NO. 6308

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF PICO RIVERA IN SUPPORT OF PROVIDING
RECOMMENDATIONS TO THE US ARMY CORPS OF
ENGINEERS ON THE WHITTIER NARROWS
RECREATION AREA MASTER PLAN UPDATE.**

WHEREAS, The City of Pico Rivera leases 120 acres of land in the Whittier Narrows Recreation Area from the US Army Corps of Engineers; and

WHEREAS, the City of Pico Rivera wants to develop additional recreational uses and support restoration activities within the Bicentennial Park; and

WHEREAS, the existing land use designations of the Whittier Narrows Recreation Area Master Plan need to be updated to support proposed City recreational uses and restoration activities; and

WHEREAS, local governments are working with the US Army Corps of Engineers to provide input to the Whittier Narrows Recreation Area Master Plan; and

WHEREAS, the Watershed Conservation Authority, the LA County Flood Control District, the Water Replenishment District, LA County Parks and Recreation Department, and County Supervisor First District (Funding Partners) are partnering with the City of Pico Rivera to facilitate recommendations for an update to the Whittier Narrows Recreation Master Plan; and

WHEREAS, the Watershed Conservation Authority is facilitating the process of providing input to the Whittier Narrows Recreation Area Master Plan; and


WHEREAS, the Funding Partners have allocated funds to the process of providing input to the Whittier Narrows Recreation Area Master Plan;

NOW, THEREFORE, the City Council of the City of Pico Rivera does hereby resolve as follows:

SECTION 1. The City Council of the City of Pico Rivera allocates \$100,000 from the Highway State Relinquishment Fund and transfers these funds to the General Fund.

SECTION 2. The City Council of the City of Pico Rivera authorizes \$100,000 from the General Fund to the Watershed Conservation Authority for the purposes of hiring a consultant to work with stakeholders to prepare recommendations to the Whittier Narrows Recreation Area Master Plan update.

ADOPTED AND APPROVED THIS 13th **day of** November, 2007.



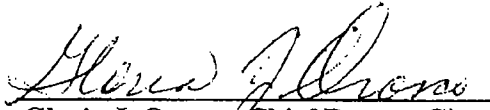
Ron Beilke, Mayor

RESOLUTION NO. 6308

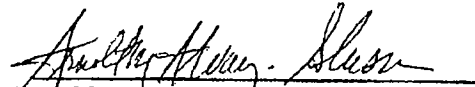
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ATTEST:

APPROVED TO FORM:



Gloria J. Orosco, Chief Deputy City Clerk



Arnold M. Alvarez-Glasman, City Attorney

AYES:	Archuleta, Armenta, Gallegos-Smith, Mayor Beilke
NOES:	Salcido
ABSENT:	None
ABSTAIN:	None